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Attorneys for Defendant  
International Business Machines Corporation

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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CHARLES SEWARD, Individually and on )  
Behalf of All Others Similarly Situated, )  
Plaintiff, )  
-against- )  
INTERNATIONAL BUSINESS MACHINES )  
CORPORATION, )  
Defendant. )

No. 08 CV 3976 (VB) (PED)

**ECF CASE**

**NOTICE OF DEFENDANT'S MOTION  
TO STRIKE PLAINTIFF'S REPLY IN  
SUPPORT OF HIS APPEAL AND  
OBJECTIONS TO THE REPORT AND  
RECOMMENDATION TO  
DECERTIFY THIS CASE AS A  
COLLECTIVE ACTION**

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PLEASE TAKE NOTICE THAT, upon the accompanying memorandum of law, declaration, and all other pleadings and documents filed herein, Defendant International Business Machines Corporation, by and through its undersigned counsel, will move this Court before the Honorable Vincent Briccetti, at a date and time to be determined by the Court, for an order striking from the record Plaintiff Charles Seward's March 5, 2012 Reply In Support Of His Appeal And Objections To The Report And Recommendation To Decertify This Case As A Collective Action (Docket Entry 174).

Dated: March 8, 2012

JONES DAY

By: /s Craig S. Friedman

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